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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/343,958	06/30/1999	SERGE JEAN MAURICE MISTER	0500.9904131	8512

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VEDDER PRICE KAUFMAN & KAMMHOLZ  
222 N. LASALLE STREET  
CHICAGO, IL 60601

EXAMINER

ZAND, KAMBIZ

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/343,958

Applicant(s)

MISTER, SERGE JEAN MAURICE

Examiner

Kambiz Zand

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-15 and 24-29 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9, 16-20, 22, 30-34, 36 and 38-40 is/are rejected.
- 7) ☒ Claim(s) 6, 8, 21, 23, 35 and 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



KAMBIZ ZAND  
PRIMARY EXAMINER

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/16/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Examiner withdraws objection to claim 1 due to corrections by applicant(s).
4. Claim 1 has been amended.
5. New claims 38-40 have been added.
6. Claims 1-40 are pending.

### ***Information Disclosure Statement PTO-1449***

7. The Information Disclosure Statement submitted by applicant on 12/16/2005 has been considered. Please see attached PTO-1449.

### ***Response to Arguments***

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1-4, 7, 9, 16-19, 22, 30-33, 36 and 38-40** are rejected under 35 U.S.C. 102(b) as being anticipated by Rivest (Chaffing and winnowing: confidentiality without encryption, 24 April 1998) cited in the IDS by Applicant.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

**As per claims 1, 16 and 30** Rivest teaches a method, apparatus and an storage medium for facilitating prevention of interception of incoming data that is provided for a software application, comprising the steps of: preventing interception of the incoming data, by providing insertion data for insertion as part of the incoming data (see page 1 where examiner consider “chaff” corresponding to Applicant’s insertion data which is

fake data as disclosed on page 2); storing the generated insertion data; and filtering received incoming data containing actual data and the insertion data (see page 1 and page 2) by comparing stored generated insertion data with incoming data to determine which data is actual data (see page 2 where it disclose filtering packet data that includes chaff as a fake insertion data; it is stored order as disclosed on page 2; also see authentication where examiner considers act of authentication as a comparison action; and where examiner considers the "original message" as corresponding to Applicant's actual data).

**As per claims 2, 17 and 31** Rivest teach the method, apparatus and storage medium of claims 1, 16 and 30 including the step of processing the actual data resultant from filtering for use by the software application (see page 2 and 3).

**As per claims 3, 18 and 32** Rivest teach the method, apparatus and storage medium of claims 1, 16 and 30 including the step of receiving the generated insertion data and actual data from a data input source; and queuing the insertion data with actual data for output as the incoming data (see page 2 and 3).

**As per claims 4, 19 and 33** Rivest teach the method, apparatus and storage medium of claims 1, 16 and 30 including the step of analyzing foreground indication data and enabling generation of the insertion data in response to the foreground indication data (see pages 3 and 4).

**As per claims 7, 22 and 36** Rivest teach the method, apparatus and storage medium of claims 1, 16 and 30 including the step of storing a list of data representing data to be used as randomization data; randomly selecting the randomized data from the list of data; and formatting the randomized data as insertion data in a same format as actual data (see page 6).

**As per claim 9** Rivest the method of claim 1 wherein the step of providing includes: providing the insertion data, under control of the software application that is to receive the incoming data (see pages 3-7).

**As per claims 38-40** Rivest discloses the insertion data as fake data (see page 2 and 3 where examiner considers the chaff as the fake data inserted to the original message that was broken into packets).

### ***Claim Rejections - 35 USC § 103***

**Claims 5, 20 and 34** rejected under 35 U.S.C. 103(a) as being unpatentable over Rivest (Chaffing and winnowing: confidentiality without encryption, 24 April 1998) cited in the IDS by Applicant in view of Fadem et al (4,744,077).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the

entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

**As per claims 5, 20 and 34** Rivest disclose all limitation of the claim as applied to the claims 1, 16 and 30 but do not disclose explicitly the step of controlling timing of insertion data generation and output based on data queue parameters. However Fadem et al (4,744,077) teach the method, apparatus and storage medium of claims 1, 16 and 30 including the step of controlling timing of insertion data generation and output based on data queue parameters (see col.13, lines 19-46). It would have been obvious to one of ordinary skilled in the art to utilize fadem's control timing into Rivest packets stored order that corresponds to applicant's queue parameters in order to provide link flow control command in specific time slot (see col.2, lines 52-53).

***Allowable Subject Matter***

11. Claims 10-15 and 24-29 are allowed.
12. Claims 6, 8, 21, 23, 35 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

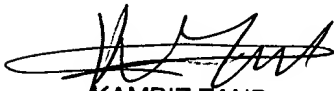
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306. Information regarding the status of an application may be obtained from the Patent



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Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KAMBIZ ZAND  
PRIMARY EXAMINER

03/07/2006

AU 2132